

Message Text

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ACTION ARA-14

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C O N F I D E N T I A L SANTIAGO 3391

E.O. 11652: GDS
TAGS: SHUM, PINS, CI
SUBJ: CHILEAN EXPULSION OF FOREIGN AGITATORS AND POLICY ON
RETURN OF EXILES

REF: SANTIAGO 3299

1. SUMMARY: INTERIOR MINISTER FERNANDEZ HAS ANNOUNCED THAT CHILEANS ABROAD INVOLVED IN ANTI-GOC CAMPAIGNS OR ACTIVELY ESPOUSING MARXISM WILL NOT BE PERMITTED BACK INTO CHILE. COMMUNISTS AND OTHERS HAVE GINNED UP A NUMBER OF "TEST CASES" TO PROBE GOC INTENTIONS, THE MOST PRMINENT THAT OF AGED COMMUNIST CESAR GODOY. OPPONENTS WILL USE THE ANNOUNCEMENT TO DEPRECATE THE VALUE OF RECENT GOVERNMENT DECREE ON AMNESTY AND OTHER MEASURES, BUT THE GOC BASICALLY IS RESPONDING TO SUPPORTERS' FEARS OF A RETURNING HORDE OF TROUBLEMAKERS. SIMILARLY, THE GOC APPEALED TO RESIDUAL FEARS OF "FOREIGN AGITATORS" BY IMPLYING IT WAS EXPELLING THE FOREIGNERS DETAINED DURING THE MAY 1 ARRESTS. HOWEVER, THE GOC SUBSEQUENTLY STATED THAT THE ANNOUNCEMENT DEAL NOT APPLY TO US CORRESPONDENT MOREAU AND AP REPORTER CISNEROS NOR TO THE BRIEFLY DETAINED FOREIGN PRIESTS (TWO AMCITS
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AMONG THEM). SINCE THE OTHERS WERE FOREIGN TRADE UNION VISITORS WHO ALREADY HAD LEFT CHILE, THE ANNOUNCEMENT HAD NO PRACTICAL EFFECT. END SUMMARY.

2. INTERIOR MINISTRY FERNANDEZ MAY 4 CLARIFIED CHILEAN POLICY REGARDING THE RETURN OF EXILES. THE PROVISIONS OF DECREE LAWS 81 AND 604 REMAIN UNAFFECTED BY THE APRIL

18 AMNESTY. DL 81 PERMITS CHILEANS WHO LEFT THE COUNTRY "IRREGULARLY" TO APPLY FOR PERMISSION TO RETURN THROUGH A CHILEAN CONSULATE. DL 604 AUTHORIZES THE MINISTRY OF INTERIOR TO DECREE THAT INDIVIDUALS ENGAGED IN ANTI-GOC ACTIVITY ABROAD MAY NOT RETURN. IT, TOO, PERMITS SUCH PEOPLE TO APPLY FOR REENTRY. IN BOTH CASES THE MINISTRY OF INTERIOR HAS DISCRETIONARY AUTHORITY TO LIFT THE BAN. THE AMNESTY ONLY REMOVED THE TECHNICAL IMPEDIMENT AGAINST THOSE SERVING COMMUTED SENTENCES ABROAD BY PERMITTING THEM TO APPLY UNDER DL 81.

3. BUT FERNANDEZ MADE CLEAR THAT HIS MINISTRY WOULD NOT APPROVE THE PETITIONS OF "ANYONE ENGAGED IN THE INTERNATIONAL CAMPAIGN AGAINST CHILE, NOR ANY ACTIVIST OF INTERNATIONAL MARXISM". HE SAID THE GOVERNMENT'S DESIRE TO PROMOTE NATIONAL RECONCILIATION WOULD BE SERIOUSLY UNDERMINED BY THE PRESENCE IN CHILE OF THOSE SWORN TO CONTINUE THE "RESISTENCE MOVEMENT" AGAINST THE GOVERNMENT. HE ALSO RECALLED THAT THE TENETS OF MARXIST-LENINISM WERE TOTALLY INCOMPATIBLE WITH THE GOC'S CHRISTIAN/HUMANIST NATIONALISM.

4. THE GOC CLARIFICATION FOLLOWED THE PERSISTENT EFFORTS OF COMMUNISTS AND OTHERS TO SET UP DIFFICULT "TEST CASES". THE MOST IMMEDIATE EXAMPLE WAS THAT OF CESAR GODOY URRUTIA, A 77 YEAR OLD PDCER WHO WAS PUT BACK ON THE PLANE WHEN HE

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ARRIVED IN SANTIAGO APRIL 28. THE GOC BADLY BUNGLED ITS SIDE OF THE STORY, INITIALLY ASSERTING THAT GODOY HAD FAILED TO FOLLOW DL 81 PROCEDURES. AS GODOY'S LAWYERS PROMPTLY ARGUED, GODOY HAD LEFT CHILE IN SEPTEMBER 1975 WITH ALL HIS PAPERS IN ORDER; THUS DL 81 DID NOT APPLY. THE GOC COUNTERED BY CLAIMING IT HAD ISSUED A DL 604 EXCLUSION DECREE AGAINST GODOY IN JANUARY 1978 FOR HIS ANTI-GOC ACTIVITY ABROAD. THE GOVERNMENT NOW ASSERTS THAT THE DECREE WAS ISSUED IN FEBRUARY. GODOY'S LAWYERS, WHO HAD BEEN PUSHING FOR A QUICK DECISION BY THE APPELLATE COURT, HAVE NOW ASKED THE COURT TO REQUIRE THE GOC TO PRODUCE THE ALLEGED EXCLUSION DECREE. MEANWHILE, GODOY SITS PITIFULLY IN BUENOS AIRES AND RADIO MOSCOW GIVES THE WORLD ITS VERSION OF HIS PLIGHT.

5. COMMENT: THE GODOY CASE ASIDE, VARIOUS GOC SPOKESMEN GAVE CONFLICTING IMPRESSIONS BOTH THE SCOPE OF THE AMNESTY AS REGARDS EXILES AND THE WILLINGNESS OF THE GOC TO APPROVE RE-ENTRY. OUR GUESS IS THAT THE GENEROUS INTERPRETATION OF SOME LED MORE CONSERVATIVE ELEMENTS TO STIFFEN AT THE SPECTRE OF HORDES OF TROUBLEMAKERS FLOODING BACK INTO CHILE.

6. WE SEE SIMILAR EVIDENCE OF PLACATING SUPPORTERS IN
ANOTHER STATEMENT FROM INTERIOR'S FERNANDEZ THE SAME
DAY. PLAYING TO GENERALIZED FEARS OF "FOREIGN AGITATORS",
FERNANDEZ ANNOUNCED FIRMLY THAT FOREIGNERS DETAINED
DURING THE MAY DAY MELEE WOULD BE EXPELLED. HE DEFANGED
THE EXPULSION'S IMPACT BY MAKING CLEAR THE HANDFUL OF
CHILE-RESIDENT CLERGY WOULD ONLY HAVE THEIR VISA-STATUS
REVIEWED. A SUBSEQUENT STATEMENT EXPLICITLY MADE CLEAR
THAT THE TWO FOREIGN CORRESPONDENTS PICKED UP (U.S. NEWSWEEK'S
RON MOREAU AND AP'S CISNEROS) WERE FREE TO CONTINUE AS
BEFORE.
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